

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
OCT 15 2015
CLERK
U.S. DISTRICT COURT

David Sutherland
Claimant/Petitioner

Plaintiff

V

Docket No:

City of Savannah Georgia
Savannah-Chatham County
Police Department
Joseph J. Lumpkin Sr.
OFC. Daniel Newman
OFC. A. Slugg
All, Individually/Professionally
Defendants

Complaint
Jury Demand

CV 415 - 275

Comes now, David Sutherland (plaintiff) , Pro Se, and for complaint states as following;

Preliminary Statement

1. This is a civil action seeking monetary relief to (included) special damages and punitive damages, costs and fees for violations of Plaintiff rights, brought pursuant to to 42 U S C 42 1983 and and aword of fees/ costs pursuant to 42U S C 1988.
2. Specifically the Plaintiff alleges that the collective defendands either directly misrepresented facts/ or allowed its agents,employee, and/or police officer Daniel Newman and officer A. Slugg to misrepresent facts concerning Plaintiff David Sutherland which caused plaintiff to suffer violations of his Constitutional Rights of False Arrest, Malucious Crininal Prosecution.
3. Said acts were done expreeely, implicitly, knowingly with the consent and condonation of the City of Savannah and its Chief of Police Joseph J. Lumpkin Sr.
4. During all times relevant in this Complaint the City of Savannah (herein after "City") is duly Constitutioned Municipal Cororation of the State of Georgia .

5. Upon information and belief, the city oversees, maintains, manages , and controls several departments and employees, including but not limited to the Savannah-Chatham County Police Department and the individual Defendant Joseph J. Lumpkin Sr herein and is being Sued in his individual and Official Capacity.

JURISDICTION

6. Jurisdiction is conferred upon this complaint by 28 USC sec. 1331, sec. 1985 and sec. 1986, The United States Constitution 28 USC sec. 1331 and sec. 1343 under the 4th, 5th and 14th Amendments. This action involves Constitutional Questions.

SUPPLEMENTAL JURISDICTION

7. This court has supplemental jurisdiction over plaintiff's state law claims pursuant to 28 USC sec. 1367 and FRCP 18 (a). Plaintiff's state law claims are closely related to his federal law claims that they form part of the same case or controversy under article 3 of the United States Constitution.

VENUE

8. Venue is appropriate in this court under 28 USC sec. 1391, because all events giving rise to this complaint occurred in Chatham County Georgia.

PARTIES

9. Plaintiff David Sutherland Resides at, 128 G Sunshine Ave, Savannah Georgia 31405 (Chatham County).

10. City of Savannah address 2 East Bay St. Savannah Georgia , 31401

11. Defendant Joseph J. Lumpkin Sr. is employed and duly-appointed police Chief of the Savannah-Chatham Police Department at 201 Habersham street Savannah Georgia.31412 at all times relevant to this complaint. He is and has been responsible for the promulgation and implementation of police policies, procedures, and practices in .

12. Defendant Daniel Newman is a employee of the Savannah-Chatham Police department as a Police Officer at 201 Habersham street Savannah Georgia.31412, and a duly-appointed police officer and at all times relevant to this complaint.

13. Defendant A. Slugg is a employee of the Savannah-Chatham Police Department at 201 Habersham Street Savannah Georgia 31412., as a duly appointed police officer is at all times relevant to this complaint.

14. At all times material to this complaint defendants Lumpkin Sr., Newman and Slugg acted Toward plaintiff under color of statutes, ordinances, customs, and usage of the State of Georgia and the Savannah-Chatham Police department.

15. Plaintiff sues all defendants in their official and individual capacities.

FACTUAL ALLEGATIONS

Common to all claims

16. Plaintiff while Lawfully traveling on his (Bicycle) was stopped June 4, 2015 on or about 7:40 am By OFC Daniel Newman. (Newman) Newman made the stop by Pulling his Patrol car in front of Plaintiff Stopping Plaintiff from any further Travel. Newman got out of his car and stated to plaintiff, that " You are not allowed to be on this road", Demanded my Name , and without Plaintiffs Consent went back to his car and did a Computer Search on my Name. Assisting OFC Newman was OFC A Slugg (Slugg) OFC Slugg By having a Strip (Rank) on his uniform. Informed me that He (Slugg) was acting as a supervisor, while Newman searched the computer I asked Slugg if I was free to go Slugg stated" NO you are being detained, (arrested).. After some time I was Told I could not travel any further on my Bicycle That I would be given a ride to My Exit, Plaintiffs Bike was Put in the Truck of Newman's Car I was patted down, put in the Patrol Car and taken to my

Exit, I was then Given a Traffic Citation Charging Plaintiff under Official Code of Georgia

17. OCGA) 40-3-362, The (OCGA) 40-3-362, Is no where to be found in the Ga. Code

6

NATURE OF CLAIM

18. This complaint arises from the knowing, and intentional and unlawful deprivations of Plaintiff's Constitutional Guaranteed Rights in color of Authority and Color of State Law, At 4th, 5th, and 14th amendments under the State of Georgia Constitution Art. 1 par.1, 2, 6, 10 and par. 13, 42 USC sec. 1983, sec. 1985 (3), sec. 1986 and 1988

Plaintiff's "RIGHT" to Travel, Is a Constitutional Protected LIBERTY Right. Of Freedom of Movement.

19. Defendants unlawful actions have caused Plaintiff David Sutherland damages from which Plaintiff seeks relief from this Honorable Court.

Count 1: VIOLATIONS of 42 U.S.C. sec. 1983 ARREST

20. At all times relevant herein, the conduct of all Defendants were subject to 42 U.S.C. sec. 1983, 1985, 1986

Claim I Facts; Defendants Newman and Slugg acting under the color of State Law Created a Artifice of a Traffic Stop with out any Probable Cause did stop Detain (arrest), search (By Computer) private information Without Consent of Plaintiff. Denying plaintiffs Rights privileges or immunities secured by the United States Constitution. By making an unreasonable search and seizure without due process of law. In violation of Plaintiffs 4th amendment rights, Ga. Constitution Art. 1 sec. 1 Par. 1, art. 1 sec.1 par. 2, art.1 sec.1 par.13.

Count 2: VIOLATION of 42 U.S.C. 1983:

21. Defendants, Newman and Slugg with complete Deliberate Indifference to Plaintiffs rights Did with out probable cause , act under color of law to deny Plaintiffs Freedom to

continue on his way, by placing plaintiffs Bike in the trunk of Newman's Car and Plaintiff in the Back seat of his patrol car. And taking plaintiff to a down town exit,

Claim2 facts; as a result of their concerted unlawful and malicious Acts defendants Newman and Slugg. Plaintiff was deprived of both his liberty without due process of law and his right to equal protection of the laws, and the due course of justice was impeded in his Freedom of Movement violation of the 4th, 5th and 14th Amendments of the Constitution of the United States and 42U.S.C.sec1983and 1985.

Count 3: Violation of 42 USC 1983

22. Defendants Newman and Slugg maliciously used "legal Process" to accomplish some Ulterior purpose for which it was not designed or intended or which was not the legitimate Purpose of the particular process employed.

Claim3 Facts: Defendants Newman and Slugg knew or should had known that the complaint (Traffic Citation) initiated is in fact groundless on its face .all though the Citation was placed in the Records Court, the court returned the citation and did not take any action.

Count 4 Violation of 42 U S C 1983

23. Defendant Lumpkin Sr. Was in fact sent a letter by Plaintiff on June 17,2015 the defendant Lumpkin Sr. is liable under the doctrine of respondent superior.

24. All defendant Police Officers operating under arms in Color of Authority, conferred by color of law ,and each and every of them above title knowingly and willingly with deliberate indifference to Plaintiffs Rights acted in concert and conspiracy to deprive constitutional guaranteed RIGHTS in the freedom of Movement of the plaintiff


25. These acts were committed in high knowledge of the law. Evidenced by each and every defendants Oaths of Office, thus depriving Plaintiff of all his Constitutional rights, just to Travel freely. Title b42 USC 1986.

26. Plaintiff has suffered non economic damages in a amount to be determined at trial 42USC 1988.

27. Plaintiff repeats and realleges and incorporates by reference the allegations in pages 1 through 5 above with the same force and effect as if herein set forth.

I David Sutherland affirm under penalty of perjury under the Laws of the United States of America that the forgoing is true and correct, to the best of my belief and informed knowledge.

So entered on October 12, 2015
Date

by 
Pro Se
David Sutherland
128 G. Sunshine Ave.
Savannah Georgia 31405

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

David Sutherland

DEFENDANTS

City of Savannah Ga., Joseph J. Lumkin Sr., Daniel Newman, A. Slugg

(b) County of Residence of First Listed Plaintiff Chatham
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Chatham
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Pro Se,Attorneys (If Known)
unknown**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|--|---|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 430 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act | SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) | FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 |
| IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | | | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983Brief description of cause:
False Arrest,**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

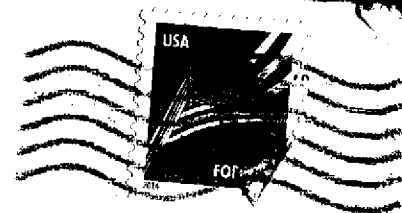
DATE
10/11/2015

SIGNATURE OF ATTORNEY OF RECORD

↓ David Sutherland
128 G Sunshine Ave
Savannah Ga. 31405

JACKSONVILLE FL 320

13 OCT 2015 PM 11



Office of The Clerk
United States District Court
P.O. Box 8286
Savannah Georgia 31412

31412828686

